

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CHRISTINE OLIVEROS,

Plaintiff,

V.

**DAVID RENE OLIVEROS; ROSS
MOLINA OLIVEROS, P.C.; and
JAMES MICHAEL OLIVEROS,**

Defendants.

CIVIL ACTION NO. SA-23-CA-402-FB

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 62), filed in the above-captioned cause on February 13, 2024, concerning Defendants' Motions for Summary Judgment (originally filed as Motions to Dismiss). *See* (docket nos. 33, 34, & 35); *see also* (docket no. 47) (Order converting Motions to Dismiss to Motions for Summary Judgment). Also before the Court is Plaintiff's Motion to Set Aside Mutual Release. (Docket no. 58). To date, no objections to the Report and Recommendation have been received.¹

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its

¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).


reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 62) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendants' Motions to Dismiss (docket nos. 33, 34 & 35) are GRANTED IN PART and DENIED IN PART. Plaintiff's Motion to Set Aside Mutual Release (docket no. 58) will be taken up by the Court in due time by a separate order.

The surviving claims are Plaintiff's claims against Defendants James Oliveros and Ross Molina Oliveros PC law firm for fraud and civil conspiracy to defraud, as well as Plaintiff's claim against Defendant James Oliveros for intentional infliction of emotional distress and her direct negligence claim against Defendant Ross Molina Oliveros PC law firm. This case continues to be referred to the Magistrate Judge for further pretrial proceedings.

It is so ORDERED.

SIGNED this 29th day of February, 2024.



FRED BIERY
UNITED STATES DISTRICT JUDGE